

191 U. S. Cases Disposed of Without Consideration by the Court.

Egan v. Hart, 165 U. S. 188; *New Orleans Water Works Company v. Louisiana*, 185 U. S. 336; *Spies v. Illinois*, 123 U. S. 131; *Miller v. Texas*, 153 U. S. 535; *Missouri Pacific Ry. Company v. Fitzgerald*, 160 U. S. 556. *Mr. William C. Scarritt* in support of motions. *Mr. James H. Harkless* opposing.

CASES DISPOSED OF WITHOUT CONSIDERATION BY
THE COURT, FROM OCTOBER 12, 1903, TO JANU-
ARY 3, 1904.

NO. 439. JEUNG JUEN HO, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the United States Circuit Court of Appeals for the Ninth Circuit. October 13, 1903. Docketed and dismissed, on motion of *Mr. Solicitor General Hoyt* for the defendant in error. No counsel opposing.

NO. 1. T. WALTER BEAM ET AL., APPELLANTS, *v.* GUSTAV H. SCHWAB. On certificate from the United States Circuit Court of Appeals for the Eighth Circuit. October 13, 1903. Dismissed. *Mr. Edmund F. Richardson* for appellants. *Mr. Henry T. Rogers* and *Mr. L. M. Cuthbert* for appellee.

NO. 131. WILLIAM VAN PELT, PLAINTIFF IN ERROR, *v.* PEOPLE OF THE STATE OF MICHIGAN. In error to the Supreme Court of the State of Michigan. October 13, 1903. Dismissed, per stipulation. *Mr. Henry M. Duffield* for plaintiff in error. *Mr. Horace M. Oren* for defendants in error.

NO. 3. FREIDA SCHRADSKY, PLAINTIFF IN ERROR, *v.* BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAKE. In error to the Circuit Court of the United States for the District

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of Colorado. October 13, 1903. Dismissed with costs, on authority of counsel for plaintiff in error. *Mr. H. B. Johnson* for plaintiff in error. *Mr. C. S. Thomas, Mr. W. H. Bryant* and *Mr. H. H. Lee* for defendant in error.

No. 15. VEEDER B. PAINE, APPELLANT, *v.* JOHN FOSTER ET AL., TRUSTEES, ETC. Appeal from the Supreme Court of the Territory of Oklahoma. October 13, 1903. Dismissed with costs, pursuant to the tenth rule. *Mr. James R. Keaton* and *Mr. S. D. Luckett* for appellants. No appearance for appellees.

No. 22. J. F. HARDEMAN ET AL., PLAINTIFFS IN ERROR, *v.* KATIE TURNER ET AL. In error to the United States Circuit Court of Appeals for the Eighth Circuit. October 14, 1903. Dismissed with costs, pursuant to the nineteenth rule. *Mr. W. H. Ledbetter* and *Mr. S. T. Bledsoe* for plaintiffs in error. No appearance for defendants in error.

No. 29. ARSENE L. ARPIN ET AL., APPELLANTS, *v.* RAMON VALDEZ Y COBIAN ET AL. Appeal from the District Court of the United States for the District of Porto Rico. October 19, 1903. Dismissed with costs, on motion of counsel for the appellants. *Mr. N. T. M. Melliss* for appellants. *Mr. A. A. Hoehling, Jr.*, for appellees.

No. 40. UNITED STATES, APPELLANT, *v.* EDWARD G. PIERSON. Appeal from the Court of Claims. October 26, 1903. Dismissed, on motion of *Mr. Solicitor General Hoyt* for the appellant. *The Attorney General* for appellant. *Mr. George A. King* and *Mr. William B. King* for appellee.

No. 47. H. L. KAHN, TRUSTEE, APPELLANT, *v.* CONE EXPORT

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AND COMMISSION COMPANY. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. October 26, 1903. Dismissed with costs per stipulation. *Mr. W. H. Robeson* and *Mr. Charles D. Hill* for appellant. *Mr. Alex. C. King* for appellee.

No. 114. YEE NGOY, APPELLANT, *v.* UNITED STATES. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. November 2, 1903. Dismissed per stipulation, on motion of *Mr. Solicitor General Hoyt* for the appellee. *Mr. Lyman I. Mowry* for appellant. *The Attorney General* for appellee.

No. 78. TEXAS AND PACIFIC RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* WILLIAM L. SMITH. In error to the United States Circuit Court of Appeals for the Fifth Circuit. November 9, 1903. Dismissed with costs, on motion of *Mr. D. D. Duncan* for the plaintiff in error. *Mr. John F. Dillon*, *Mr. Winslow S. Pierce* and *Mr. David D. Duncan* for plaintiff in error. No appearance for defendant in error.

No. 99. MISSOURI PACIFIC RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* ROBERT ECCLES ET AL. In error to the Supreme Court of the State of Missouri. November 9, 1903. Dismissed with costs, on motion of *Mr. D. D. Duncan* in behalf of counsel for the plaintiff in error. *Mr. Martin L. Clardy* for plaintiff in error. No appearance for defendants in error.

No. 69. TEXAS AND PACIFIC RAILWAY COMPANY, PLAINTIFF IN ERROR, *v.* MRS. FRANK S. SMITH ET AL. In error to the United States Circuit Court of Appeals for the Fifth Circuit. November 9, 1903. Dismissed with costs, pursuant to the tenth rule. *Mr. John F. Dillon*, *Mr. Winslow S. Pierce* and

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Mr. David D. Duncan from plaintiff in error. *Mr. F. E. Albright* for defendants in error.

NO. 70. ARMOUR PACKING COMPANY ET AL., APPELLANTS, v. B. T. ADAMS ET AL. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit. November 9, 1903. Dismissed with costs, pursuant to the tenth rule. *Mr. Marion W. Harris* for appellants. *Mr. Olin J. Wimberly* for appellees.

NO. 82. JOHN M. CLAPP, APPELLANT, v. HENRY B. F. MACFARLAND ET AL., COMMISSIONERS OF THE DISTRICT OF COLUMBIA. Appeal from the Court of Appeals of the District of Columbia. November 11, 1903. Dismissed with costs, pursuant to the tenth rule. *Mr. M. J. Colbert* for appellants. No appearance for appellees.

NO. 167. JAMES D. DEWELL ET AL., ETC., PLAINTIFFS IN ERROR, v. JOHN W. MIX. In error to the Circuit Court of the United States for the District of Connecticut. November 30, 1903. Dismissed with costs, per stipulation, on motion of *Mr. Solicitor General Hoyt* for the defendant in error. *Mr. James D. Dewell, Jr.*, for plaintiffs in error. *The Attorney General* for defendant in error.

NO. 495. ENSENADA ESTATE, PLAINTIFF IN ERROR, v. FRANCIS H. DEXTER. In error to the District Court of the United States for the District of Porto Rico. November 30, 1903. Docketed and dismissed with costs, on motion of *Mr. Frederic D. McKenney* for the defendant in error. No counsel opposing.

NO. 123. EZRA ESHELBY ET AL., PLAINTIFFS IN ERROR, v. WILLIAM WATTS, JUDGE, ETC., ET AL. In error to the Supreme

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Court of the State of Minnesota. November 30, 1903. Dismissed with costs, on authority of counsel for plaintiffs in error. *Mr. Frank B. Kellogg* for plaintiffs in error. *Mr. H. Steenerson* for defendants in error.

No. 113. JEUNG LIN HEUNG, APPELLANT, *v.* UNITED STATES. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit. December 3, 1903. Dismissed, per stipulation, on motion of *Mr. Solicitor General Hoyt* for the appellee. *Mr. Lyman I. Mowry* for appellant. *The Attorney General* for appellee.

No. 129. TRUSTEES OF MACALESTER COLLEGE, PLAINTIFFS IN ERROR, *v.* STATE OF MINNESOTA. In error to the Supreme Court of the State of Minnesota. December 7, 1903. Dismissed per stipulation. *Mr. John E. Stryker* for plaintiffs in error. *Mr. James E. Markham* for defendant in error.

No. 95. LINDLEY E. SINCLAIR, PLAINTIFF IN ERROR, *v.* DISTRICT OF COLUMBIA. In error to the Court of Appeals of the District of Columbia. December 14, 1903. Dismissed with costs, on motion of *Mr. C. C. Cole* for the plaintiff in error. *Mr. C. C. Cole* and *Mr. J. J. Darlington* for plaintiff in error. *Mr. A. B. Duvall* and *Mr. Edward H. Thomas* for defendant in error.

No. 116. HAWAIIAN TRAMWAYS COMPANY (LIMITED), PLAINTIFF IN ERROR, *v.* HONOLULU RAPID TRANSIT AND LAND COMPANY (LIMITED). In error to the Supreme Court of the Territory of Hawaii. December 14, 1903. Dismissed with costs, on motion of *Mr. J. J. Darlington* for the plaintiff in error. *Mr. J. J. Darlington* and *Mr. R. D. Silliman* for plaintiff in

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error. *Mr. A. B. Browne, Mr. Alexander Britton, Mr. T. M. Patterson and Mr. E. F. Richardson* for defendant in error.

No. 105. J. D. SPRECKELS, APPELLANT, *v.* GEORGE W. WITTMAN, CHIEF OF POLICE, ETC. Appeal from the Circuit Court of the United States for the Northern District of California. December 14, 1903. Dismissed with costs, on authority of counsel for appellant. *Mr. J. C. Campbell, Mr. W. H. Metson and Mr. E. F. Preston* for appellant. *Mr. Henry C. McPike* for appellee.

No. 106. W. S. LEAKE, APPELLANT, *v.* GEORGE W. WITTMAN, CHIEF OF POLICE, ETC. Appeal from the Circuit Court of the United States for the Northern District of California. December 14, 1903. Dismissed with costs, on authority of counsel for appellant. *Mr. J. C. Campbell, Mr. W. H. Metson and Mr. E. F. Preston* for appellant. *Mr. Henry C. McPike* for appellee.

No. 107. DONALD MCPHERSON, APPELLANT, *v.* HENRY B. F. MACFARLAND ET AL., COMMISSIONERS OF THE DISTRICT OF COLUMBIA. Appeal from the Court of Appeals of the District of Columbia. December 14, 1903. Dismissed with costs, pursuant to the tenth rule. *Mr. Chapin Brown* for appellant. No appearance for appellees.

No. 111. PETER J. HEINZ, SUBSTITUTED FOR ANNA M. HEINZ, DECEASED, APPELLANT, *v.* HENRY B. F. MACFARLAND ET AL., COMMISSIONERS OF THE DISTRICT OF COLUMBIA. Appeal from the Court of Appeals of the District of Columbia. December 15, 1903. Dismissed with costs, pursuant to the tenth rule. *Mr. Chapin Brown* for appellant. No appearance for appellees.